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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Note verbale dated 15 July 2016 from the Permanent Mission of Japan to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Japan to the United Nations presents its compliments to the President of the seventieth session of the General Assembly and has the honour to inform the latter that the Government of Japan has decided to present its candidature to membership in the Human Rights Council for the period 2017-2019 at the elections to be held in 2016 in New York (see annex). The Permanent Mission of Japan would be grateful if the candidacy of Japan could be included in the final document to be produced for the forthcoming elections and would also appreciate it if it could be circulated among the Member States.

Japan looks forward to playing an active role in concert with other States in the Human Rights Council, which is responsible for promoting universal respect for the protection of human rights and fundamental freedoms. In this regard, the Government of Japan has the honour to submit herewith a set of written pledges and commitments to the promotion and protection of human rights in accordance with General Assembly resolution 60/251.

* A/71/150.

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Annex to the note verbale dated 15 July 2016 from the Permanent Mission of Japan to the United Nations addressed to the President of the General Assembly

Candidature of Japan to the Human Rights Council, 2017-2019

Commitments and pledges pursuant to General Assembly resolution 60/251

I. Japan's human rights policies

Upholding the highest standards of human rights, enshrined and guaranteed in its Constitution, Japan has consolidated its democratic political system and has developed policies for the promotion and protection of human rights and fundamental freedoms as universal values. Japan firmly believes that the promotion and protection of human rights is a legitimate interest of the international community. Therefore, grave violations of human rights need to be addressed in cooperation with the international community. Japan also affirms that the human rights of all people should be respected, regardless of their country's culture, traditions, political and economic systems and level of socioeconomic development, even if there are differences in their processes and speed of achievement with regard to human rights protection. Protecting human rights is the most fundamental responsibility of any nation. Based on its commitment to dialogue and cooperation, Japan will steer efforts to resolve human rights issues of concerns to the international community and to improve human rights situations through both multilateral forums, including the United Nations, and bilateral dialogues. In addition, Japan is committed to extending necessary and feasible cooperation from the viewpoint of human security. Japan is also committed to contributing to the realization of world peace, stability and prosperity more actively than ever.

II. International commitments and pledges for the promotion and protection of human rights

1. Conclusion of international human rights instruments and their continued sincere implementation

Japan has concluded the following international human rights instruments and has been committed to their sincere implementation, including the submission of government reports pertaining to these instruments:

- The International Covenant on Economic, Social and Cultural Rights (1979)
- The International Covenant on Civil and Political Rights (1979)
- The Convention on the Elimination of All Forms of Discrimination against Women (1985)
- The Convention on the Rights of the Child (1994)
- The International Convention on the Elimination of All Forms of Racial Discrimination (1995)

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1999)
- The International Convention for the Protection of All Persons from Enforced Disappearance (2009)
- The Convention on the Rights of Persons with Disabilities (2014)

Japan has also concluded and faithfully observed the Geneva Conventions and the Convention relating to the Status of Refugees.

In 2014, Japan concluded the Hague Convention on the Civil Aspects of International Child Abduction for protecting the interests of children.

Japan will continue to duly follow up on the recommendations it has received from the treaty bodies of these international human rights instruments in order to strengthen its cooperation with each body and its commitments pertaining to the implementation of each instrument.

2. Contribution to the efforts of the international community, including the United Nations

A. Active participation in the Human Rights Council

Japan has actively engaged in the activities of the Human Rights Council, including through the universal periodic review and a range of other opportunities so as to promote the improvement of the human rights situations of various countries and regions and find solutions to human rights issues. During its membership on the Human Rights Council from its establishment in 2006 until 2011, and again from 2013 to late 2015, Japan actively contributed to the Council's discussions and to the adoption of its key resolutions and thereby has shaped the opinion of the international community as follows:

(a) Together with the European Union, Japan has taken the lead in adopting the resolutions on the situation of human rights in the Democratic People's Republic of Korea and has been making efforts to raise international awareness in order to improve the situation of human rights in the Democratic People's Republic of Korea, including the abductions issue.

(b) Japan served as pen holder for the Human Rights Council resolution on the situation of human rights in Cambodia and has continued to support the efforts of the Cambodian Government to improve the human rights situation in that country.

(c) Japan led the Human Rights Council's adoption of resolutions and follow-up resolutions on the elimination of discrimination against persons affected by leprosy and their family members.

In addition, Japan has actively engaged in the Council's discussions pertaining to improving the human rights situations in Syria and Burundi, enhancing the protection of vulnerable groups such as women and children, addressing sexual violence in conflict and tackling violent extremism.

Japan attaches great importance to the role of the Office of the United Nations High Commissioner for Human Rights and the special procedures. Japan will

continue to offer its full cooperation to realize meaningful and constructive dialogues with thematic mandate-holders.

Japan will actively contribute to the activities of the Human Rights Council, including the universal periodic review. Japan takes the results of the 2012 universal periodic review process seriously and will voluntarily release interim follow-up documentation in 2016.

Japan remains committed to playing an active role in the discussions of the Human Rights Council review towards improving the work and functioning of the Council to maximize its efficiency and effectiveness.

B. Contribution to the work of the General Assembly and other forums

Japan will continue to participate actively in the work of the General Assembly and other forums, exercising leadership in areas such as human security, women's empowerment and disaster risk reduction as follows:

(a) Japan advocates and promotes the concept of human security. The 2030 Agenda for Sustainable Development is regarded as a people-centred agenda, which reflects the principle of human security. Japan will continue its engagement for the realization of human security.

(b) Japan will lead the discussions on the participation and protection of women. Japan underscored the importance of Goal 5 during the negotiations towards the 2030 Agenda. Japan proactively contributes to the discussions at the Commission on the Status of Women. In 2015, Japan established its national action plan in accordance with Security Council resolution 1325 (2000). In addition, Japan hosted the World Assembly for Women in Tokyo for two consecutive years (2014 and 2015) on the themes "Women and the Economy" and "Global Issues" respectively. Last year, 145 world leaders gathered for the World Assembly for Women 2015 and, together, they increased momentum towards the realization of "a society where women shine". Japan will host the World Assembly for Women again in 2016.

(c) In March 2015, Japan hosted the Third United Nations World Conference on Disaster Risk Reduction. The conference adopted the Sendai Framework for Disaster Risk Reduction 2015-2030, which serves as the new international guideline for disaster risk reduction. A total of 142 countries, including Japan, jointly proposed the establishment of 5 November as World Tsunami Awareness Day, and a resolution to that effect was adopted at a plenary meeting of the General Assembly at its seventieth session in December 2015. Japan will put into place broader and more people-centred preventive approaches to reduce natural disaster risks.

(d) During the negotiations towards the 2030 Agenda, Japan underlined the importance of eliminating violence against children (target 16.2).

Japan will continue to contribute to the promotion of the Security Council's agenda for the protection of civilians, particularly with regard to sexual violence in conflict and children and armed conflict.

3. Promotion of bilateral dialogue

Japan, recognizing the importance of dialogue and cooperation based upon the principle of mutual understanding and respect, has held regular bilateral dialogues and consultations on human rights with the Governments of more than 10 countries.

Japan will continue to hold interactive dialogues on human rights with various countries and make efforts to contribute to each country's efforts to solve human rights issues through the sharing of best practices and other means.

4. Development cooperation

In February 2015, Japan established the Development Cooperation Charter. Setting forth human security as a guiding principle and identifying "no one left behind" as a basic policy, the Charter outlines Japan's commitment to provide cooperation by protecting and enhancing the capabilities of each person, focusing in particular on vulnerable groups, including children, women, persons with disabilities, the elderly, refugees, internally displaced persons, ethnic minorities and indigenous people. Based on this principle, Japan will contribute to improving human rights situations through the following concrete efforts:

(a) In 2014, Japan provided development assistance in the health sector in the amount of $527 million. Japan makes active contributions for the achievement of universal health coverage. Japan will continue to promote universal health coverage and implement the Sustainable Development Goals in accordance with the Basic Design for Peace and Health, established in September 2015, and the G7 Ise-Shima Vision for Global Health, established in May 2016.

(b) Japan has pledged and is steadily implementing $3 billion of official development assistance (ODA) over three years, from 2013, towards women's empowerment, including in the areas of health, education and agriculture. Japan has also pledged to implement more than 42 billion Japanese yen of ODA over three years, from 2015, to contribute to making quality education accessible to women and girls.

(c) In the education sector, in addition to the above, Japan unveiled the Learning Strategy for Peace and Growth to provide a vision for realizing quality education through mutual learning.

(d) In the area of disaster risk reduction, Japan has pledged and is implementing financial cooperation in the amount of $4 billion and training for 40,000 people in disaster risk reduction and reconstruction over three years, from 2015, under the framework of the Sendai Cooperation Initiative for Disaster Risk Reduction, announced at the Third United Nations World Conference on Disaster Risk Reduction, in March 2015.

(e) Japan contributes to the protection of the rights of persons with disabilities by, inter alia, promoting their social participation and the construction of barrier-free facilities.

(f) Japan contributes to peacebuilding by providing electoral assistance, supporting the social reintegration of former combatants and developing institutions, among other measures.

(g) Japan actively collaborates with and contributes to the activities of relevant international organizations whose activities lead to the protection and promotion of human rights, including the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). Japan has increased its contributions to UN-Women by more than ten-fold in the two years since 2013. Japan will continue to support these international organizations, including through voluntary contributions.

III. Promoting human rights in Japan

In line with the obligations stipulated in the international human rights instruments to which Japan is a party, all relevant ministries and agencies will engage in the promotion and protection of human rights in various fields. Japan will continue to enhance its dialogue with civil society, including non-governmental organizations, and to implement the policies and measures in the following areas in order to enhance the protection of vulnerable groups:

1. Gender equality

Realizing "a society where women shine" is one of the Government of Japan's priorities. In December 2015, the Cabinet approved the Fourth Basic Plan for Gender Equality. This plan consists of four policy fields, 12 individual areas for the implementation of the plan and 71 numerical targets. The Plan emphasizes the need for a range of actions, including reforming male-oriented working styles, expanding women's participation in all fields of society and enhancing measures to eliminate violence against women.

2. Rights of persons with disabilities

In the lead-up to its conclusion of the Convention on the Rights of Persons with Disabilities in 2014, Japan revised and enacted several pieces of domestic legislation, taking into consideration the views of persons with disabilities. The legislation includes the Basic Act for Persons with Disabilities [revised], the Act on Comprehensive Support for the Daily and Social Lives of Persons with Disabilities [enacted], the Act for Eliminating Discrimination against Persons with Disabilities [enacted] and the Act for Employment Promotion, etc. of Persons with Disabilities [revised]. Japan will steadily execute measures in line with these laws while upholding the principles of the convention.

3. Rights of the child

Japan will steadily implement the Third Comprehensive Measures to Eliminate Child Pornography, approved in July 2016, as well as the Act on Regulation and Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children, amended in 2014, which includes regulations on the simple possession of child pornography.

Japan will comprehensively advance measures to end the cycle of poverty based on the establishment of General Principles of Policy on Poverty among Children.

4. Rights of elderly persons

Japan has required companies to introduce a system that permits all persons who wish to work until age 65 to do so, pursuant to the Act for the Partial Revision of the Act on Stabilization of Employment of Elderly Persons, which entered into force in 2013.

To address the abuse of elderly persons, Japan urges residents to consult or report incidents of elder abuse to the relevant points of contact that municipalities have established in accordance with the Act on the Prevention of Elder Abuse, Support for Caregivers of Elderly Persons and Other Related Matters.

5. Rights of persons affected by leprosy

Japan engages in efforts to eliminate prejudice and discrimination against persons affected by leprosy and those who have recovered, bearing in mind its history of inappropriate measures taken in response to leprosy, including the quarantine of persons affected by leprosy. Japan appointed Yohei Sasakawa, Chairman of the Nippon Foundation, who has wide recognition, a well-regarded reputation and extensive knowledge on this issue, to serve as Goodwill Ambassador for the Human Rights of Persons Affected by Leprosy.

6. Combating trafficking in persons

Japan will continue to implement domestic measures and pursue international cooperation to combat trafficking in persons. In this connection, Japan revised its existing action plan and formulated the Action Plan to Combat Trafficking in Persons in 2014.

7. Indigenous people

Japan will continue to promote comprehensive and effective policy measures for the Ainu people, taking their views into consideration through various channels, including the Council for Ainu Policy Promotion.

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Seventy-first session
Item 84 of the provisional agenda*
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

Report of the Secretary-General

Summary

The present report is submitted in compliance with paragraph 17 of General Assembly resolution 70/117. It highlights arrangements in the Secretariat related to assistance to third States affected by the application of sanctions, the operational changes that have occurred in the light of the shift in focus in the Security Council and its sanctions committees towards targeted sanctions and recent developments concerning the activities of the Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions.

* A/71/150.

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I. Introduction

1. In its resolution 70/117, the General Assembly requested the Secretary-General to submit a report to the Assembly at its seventy-first session on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions. The present report has been prepared in compliance with that request.

II. Measures for further improvement of the procedures and working methods of the Security Council and its sanctions committees related to assistance to third States affected by the application of sanctions

2. As noted in previous reports of the Secretary-General (A/62/206 and Corr.1, A/63/224, A/64/225, A/65/217, A/66/213, A/67/190, A/68/226, A/69/119 and A/70/119), several of the recommendations and best practices set out in the report of the Security Council Informal Working Group on General Issues of Sanctions (S/2006/997, annex) related to improved sanctions design and monitoring; however, the report did not contain any recommendations that explicitly referred to ways to assist third States affected by the unintended impact of sanctions. By its resolution 1732 (2006), the Security Council decided that the Working Group had fulfilled its mandate as set out in the note by the President of the Council of 29 December (S/2005/841), took note with interest of the best practices and methods set out in the report of the Working Group and requested its subsidiary bodies to take note of them also.

3. During the period under review, and in keeping with the shift of the Security Council from comprehensive economic sanctions to targeted sanctions, there continued to be no assessment reports concerning the likely or actual unintended impact of sanctions on third States.

4. Concerning the sanctions regimes currently in existence, in nearly every case in which the Security Council has decided that States shall freeze the assets owned or controlled by designated individuals and entities, the Council has also adopted exceptions by which States can signal to the relevant sanctions committee their intention to authorize access to frozen funds for a variety of basic and extraordinary expenses.[1] Such expenses can include tax payments, insurance premiums and public utility charges; reasonable professional fees and reimbursement of expenses associated with the provision of legal services; and fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources.

5. Furthermore, in recent years, whenever the Council has imposed an assets freeze it has also consistently provided that the measure would not prevent a designated person or entity from making payments due under a contract entered into prior to the listing of such a person or entity, provided that certain conditions had been met, and after notification by the relevant States to the relevant sanctions

[1] See Security Council resolutions 1452 (2002) (as amended by resolution 1735 (2006)), 1591 (2005), 1596 (2005), 1636 (2005), 1718 (2006), 1844 (2008), 1907 (2009), 1970 (2011) (as updated by resolution 2009 (2011)), 2134 (2014), 2140 (2014) and 2206 (2015).

committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for that purpose, 10 working days prior to such authorization.[2]

6. As noted in previous reports of the Secretary-General,[3] the Chair of the Committee established pursuant to resolution 1970 (2011) has informed the Council in periodic reports of a total of 46 notifications received.[4]

7. In addition, also in connection with the assets freeze measure, in certain cases the Security Council has aimed to ensure that persons or entities, including in third States, are not held responsible for failure to comply with a contractual or other obligation when such failure is due to measures imposed by the Council in its resolutions.[5]

8. Since 2014, sanctions committees have increasingly organized meetings with regional States in order to initiate or strengthen dialogue with them, including for the purpose of discussing any implementation challenges they might be facing. Six committees have held 13 such meetings.[6] Open briefings by the chairs of the committees, of which there have been seven since 2014, also provide a forum to hear from Member States about their concerns and challenges.[7]

9. In 2015, one Committee received a letter from a Member State explicitly invoking Article 50 of the Charter and seeking the Committee's assistance in defraying the costs associated with the implementation of a specific aspect of the relevant sanctions regime. While the issue was under the Committee's consideration, the Member State subsequently advised, in April 2016, that it had acted in accordance with its national rules and domestic procedures and had thereby addressed the matter. As a result, no further Committee action was needed.

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[2] See, for example, paragraph 21 of resolution 1970 (2011), paragraph 34 of resolution 2134 (2014), paragraph 14 of resolution 2140 (2014), paragraph 10 of resolution 2196 (2015) and paragraph 15 of resolution 2206 (2015).

[3] See A/62/206 and Corr.1, A/63/224, A/64/225, A/65/217, A/66/213, A/67/190, A/68/226, A/69/119 and A/70/119.

[4] See S/PV.6566, S/PV.6622, S/PV.6698, S/PV.6857, S/PV.6934, S/PV.6981, S/PV.7031, S/PV.7075, S/PV.7130, S/PV.7194, S/PV.7398, S/PV.7485, S/PV.7577, S/PV.7640 and S/PV.7706. The periodic report of 8 November 2012 was not delivered in its entirety at the public meeting; the full text is available, however, from the Committee's website: www.un.org/sc/committees/1970/pdf/chairman-november2012.pdf.

[5] See paragraph 27 of resolution 1973 (2011), paragraph 13 of resolution 2087 (2013), and paragraph 18 of resolution 2182 (2014).

[6] The Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo (two meetings), the Committee established pursuant to resolution 1591 (2005) concerning the Sudan (three meetings), the Committee established pursuant to resolution 1970 (2011) concerning Libya, the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic (three meetings), the Committee established pursuant to resolution 2140 (2014) (two meetings) and the Committee established pursuant to resolution 2206 (2015) concerning South Sudan (two meetings).

[7] Held by the Chairs of the Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities (two briefings), the Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea (two briefings), the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic (two briefings) and the Committee established pursuant to resolution 2140 (2014).

III. Recent developments related to the role of the General Assembly and the Economic and Social Council in the area of assistance to third States affected by the application of sanctions

10. In its resolution 59/45, the General Assembly reaffirmed the important roles of the Assembly and the Economic and Social Council in the area of assistance to third States confronted with special economic problems arising from the carrying out of preventive or enforcement measures imposed by the Security Council. Should consultations be requested by those States, the Assembly and the Economic and Social Council will mobilize and monitor, as appropriate, the economic assistance efforts of the international community and the United Nations system on behalf of third States affected by sanctions.

A. General Assembly

11. The Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization met from 16 to 24 February 2016. The report of the Special Committee contains a summary of the discussions on the question of the implementation of the Charter provisions relating to assistance to third States affected by sanctions (see A/71/33, chap. II (A)).

B. Economic and Social Council

12. The Economic and Social Council approved its programme of work (see E/2016/1) and decided to include in the agenda of the coordination and management meeting a sub-item, 18 (k), entitled "Assistance to third States affected by the application of sanctions". No advance documentation was requested. The Council considered the matter on 1 June 2016 but took no action under that sub-item.

IV. Arrangements in the Secretariat related to assistance to third States affected by the application of sanctions

13. In accordance with the relevant resolutions of the General Assembly,[8] the competent units within the Secretariat have maintained their capacity to monitor information pertaining to any special economic problems in third States arising from the application of preventive or enforcement measures imposed by the Security Council, to evaluate any appeals to the Security Council made by such affected third States under the provisions of Article 50 of the Charter of the United Nations and to identify solutions to the special economic problems of those States.

14. As noted in previous reports,[9] sanctions imposed by the Security Council that are currently in effect are all targeted in nature and the shift from comprehensive to targeted sanctions has led to significant reductions in unintended adverse impacts on

[8] See resolutions 50/51, 51/208, 52/162, 53/107, 54/107, 55/157, 56/87, 57/25, 58/80, 59/45, 60/23, 61/38, 62/69, 63/127, 64/115, 65/31, 66/101, 67/96, 68/115, 69/122 and 70/117.

[9] See footnote 4, above.

third States. Therefore, the need to explore practical and effective measures of assistance to third States affected by sanctions has been reduced considerably. In fact, no official appeals by third States to monitor or evaluate unintended adverse impacts on non-targeted countries have been conveyed to the Department of Economic and Social Affairs of the Secretariat since 2003.

15. To assess the impacts of sanctions on third States, detailed case-by-case assessments of the possible adverse impact on individual countries, including both targeted and non-targeted countries, would be required. The impact of sanctions would need to be evaluated against a baseline drawn from recent historical trends in economic and social conditions in the countries or region. The report of the Informal Working Group on General Issues of Sanctions, the Sanctions Assessment Handbook and the Field Guidelines for Assessing the Humanitarian Implications of Sanctions published by the Inter-Agency Standing Committee include some of the technical methods that can be used to review and assess special economic problems of third States affected by targeted sanctions.

16. The Department of Economic and Social Affairs has continued to explore remedial assistance to affected third States. The main findings and suggestions on this issue are available in the report of the Secretary-General (A/53/312) and in background papers prepared for the ad hoc expert group meeting which was convened by the Department in 1998. It is difficult to update the information on assistance measures in general, as the nature of targeted sanctions and their likely impact, particularly the unintended economic consequences for third States, will vary from country to country.

17. According to the present Secretariat arrangement, the Department of Political Affairs, in consultation with the Department of Economic and Social Affairs, and at the request of the Security Council and its organs, is to assess the effects of sanctions regimes on third States and provide advice to the Security Council and its organs on the specific needs or problems of those third States (see A/57/165, para. 9). As mentioned above, however, there have been no requests by the Security Council or its organs for the Department of Economic and Social Affairs to monitor or evaluate specific cases of third States affected by sanctions.

18. The Compendium of the High-Level Review of United Nations Sanctions[10] includes recommendations for the Security Council to conduct periodic assessments of the impact of its measures and to commission pre-assessments of the humanitarian and socioeconomic effects when contemplating the imposition of broad sectoral or financial sanctions. The Department of Economic and Social Affairs will continue to seek opportunities for collaborative work with other relevant parts of the Secretariat, international organizations and academic institutions, with a view to keeping abreast of similar and related methodologies and to improving the sanctions monitoring framework and sanction assessment methodology. A change in the present Secretariat arrangement, however, would require revised legislative authorization and adequate budgetary resources.

[10] A/69/941-S/2015/432, annex.